

## EXPLANATORY MEMORANDUM TO

### THE STREET AND ROAD WORKS (AMENDMENTS RELATING TO ELECTRONIC COMMUNICATIONS) (ENGLAND) (AMENDMENT) REGULATIONS 2020

2020 No. 346

#### 1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Transport (“DfT”) and is laid before Parliament by Command of Her Majesty.

#### 2. Purpose of the instrument

- 2.1 This Instrument amends the coming into force date of the Street and Road Works (Amendments Relating to Electronic Communications) (England) Regulations 2020 (“the original Instrument”). The original Instrument was due to come into force on 1 April 2020. This is changed to 1 July 2020 to help deal with the impact of Covid-19 on local authorities and utility companies and their operations.

#### 3. Matters of special interest to Parliament

##### *Matters of special interest to the Joint Committee on Statutory Instruments*

- 3.1 This Instrument is not laid with at least 21 calendar days between the date of laying and the date of its coming into force. This urgent action is required help deal with the impact of Covid-19 (see more under the heading “Policy Background” below).

##### *Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)*

- 3.2 As this Instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

#### 4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument is England and Wales.  
4.2 The territorial application of this instrument is England.

#### 5. European Convention on Human Rights

- 5.1 As this Instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

#### 6. Legislative Context

- 6.1 The original Instrument made various legislative amendments to support implementation of the Street Manager digital service for planning and managing street and road works and made other minor amendments to improve the operation of street and road works. In more detail, the original Instrument:

- Provided a date for when the amendments came into force of 1 April 2020. In practice, this became the deadline for when local authorities and utility companies

needed to complete their transition to Street Manager, at which point, the existing EToN (Electronic Transfer of Notifications) Technical Specification would have been withdrawn in England.

- Ensured that all local authorities and utility companies contributed to the ongoing costs of maintaining Street Manager and for continuous improvement to the service. The DfT has paid over £10 million for the development of Street Manager. The amended date of 1 July 2020 will mean that the DfT will now cover the additional cost of maintain and improving the service for an additional 3 months at an estimated cost of £1 million.
- Amended the deadline in legislation for the submission of works start and stop notices from the current deadline of the end of the next working day after works stop or start to two hours after works stop or start. These modifications will support more real-time updates of works start and stop data.
- Other amendments included: removing references to EToN in legislation and, instead, requiring the use of Street Manager for certain communications under the street works noticing and permitting systems; amending the definition of major works to encourage utility companies to put their forward plans on Street Manager and to ensure correct classification of works; amending the timeframes relating to road restrictions that authorities can put in place following resurfacing works or when new roads are built; and removing the requirement for fixed penalty notices to be in PDF format and/or sent by post.

6.2 This Instrument will mean that the coming into force date of the original Instrument will be 1 July 2020.

## 7. Policy background

### *What is being done and why?*

- 7.1 Street works are carried out by utility companies (water, gas, electricity and telecommunications) on the public road network to install, repair or maintain services. Road works are carried out by the local highway authority to maintain the roads or, for example, to install cycle or bus lanes. Local authorities own and manage the local road network. Highways England owns and manages the strategic road network.
- 7.2 As a result of the impact of Covid-19, the DfT was asked by many representatives from local authorities and utility companies to delay the coming into force date from 1 April 2020 to 1 July 2020. Concerns that have been raised include the need for organisations to deal with potentially reduced staffing levels, the need to move staff who are available to focus on delivery of front-line services and maintaining utility services, a need to ease pressure at what is an increasingly difficult time, and some authorities and utilities not being able to complete Street Manager training and testing, or integration with other IT systems, due to staff being re-deployed or unavailable. There was also concern about compliance with the requirement for works start and stop notices to be sent within 2-hours during the week.
- 7.3 Ministers have therefore agreed to delay the coming into force date to help organisations deal with the impact of Covid-19.

## **8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union**

8.1 This Instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

## **9. Consolidation**

9.1 There are no plans to consolidate the relevant legislation.

## **10. Consultation outcome**

10.1 The DfT consulted on these measures in the original Instrument between May and September 2019. <https://www.gov.uk/government/consultations/street-manager-and-street-works-permit-scheme-changes>

10.2 There has been no formal consultation on the amendment to the coming into force date due to the need to act urgently.

## **11. Guidance**

11.1 Guidance is being provided to users of Street Manager. It can be found here <https://departmentfortransport.github.io/street-manager-docs/>

## **12. Impact**

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector.

12.3 An Impact Assessment has not been prepared for this instrument because delaying the commencement of the provisions will not have a significant impact on the public sector, or on businesses, charities or voluntary bodies. An Impact Assessment was produced to accompany the original Instrument. It can be found here: <https://www.gov.uk/government/consultations/street-manager-and-street-works-permit-scheme-changes>

## **13. Regulating small business**

13.1 The original Instrument applies to activities that are undertaken by small businesses. Further information can be found in the Impact Assessment. Delaying the commencement of the original Instrument is not expected to have an impact on small businesses.

## **14. Monitoring & review**

14.1 The Minister has confirmed that a review provision is not appropriate for this Instrument as the benefits of the amendments clearly outweigh any potential adverse effects.

14.2 A Post Implementation Review of the original Instrument will be carried out in 2023. Monitoring for this amending Instrument is not needed.

## **15. Contact**

15.1 Sally Kendall at the Department for Transport, Telephone: 07826 902195 or email: [sally.kendall@dft.gov.uk](mailto:sally.kendall@dft.gov.uk) can be contacted with any queries regarding the instrument.

- 15.2 Anthony Ferguson, Deputy Director for Traffic and Technology, at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Baroness Vere of Norbiton at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.